

REMARKS

Claims 40-55 are pending, and claims 40-45 and 53 are allowed. Claims 46, 53 and 54 have been amended. No claim has been added or cancelled. Accordingly, claims 40-54 will still be pending; and claims 46-52 and 54 will still be under examination upon entry of this Amendment.

Formalities

The Examiner objected to the specification as failing to provide antecedent basis for the claimed subject matter in cancelled claims 38 and 39, corresponding to pending claims 53 and 54, respectively.

In response, applicants have amended the specification to recite the requested information, thus obviating the Examiner's objection.

35 U.S.C. § 112, First Paragraph

The Examiner rejected claims 46-52 and 54 under 35 U.S.C. §112, first paragraph as allegedly not enabling for a method of treating non-TAG-72⁺ tumors. The Examiner has conceded that the specification is enabling for the treatment of TAG-72⁺ tumors. The Examiner also asserts a lack of enablement regarding the use of H25-βG-PEG in connection with the claimed therapeutic method.

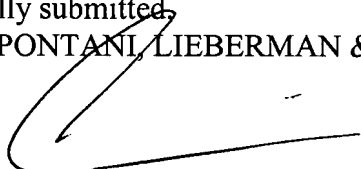
In response, and without conceding the correctness of the Examiner's remarks regarding lack of enablement, applicants note that claim 46, as amended, specifies that the tumor treated is a TAG-72⁺ tumor and does not recite H25-βG-PEG.

Thus, applicants maintain that the Examiner's rejection has been obviated, and that claim 46 and its dependent claims are enabled.

If any additional fees or charges are required at this time, they may be charged to our
Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
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